

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:10-cv-149-W**

TROPICAL NUT & FRUIT CO.,)	
)	
Plaintiff,)	
)	
vs.)	PERMANENT INJUNCTION
)	
CREATIVE SNACKS CO., LLC, and)	
MARIUS ANDERSEN,)	
)	
Defendants.)	
)	

THIS MATTER is before the Court on the parties' Amended¹ Consent Motion for Permanent Injunction against Defendants Creative Snacks Co., LLC and Marius Andersen ("Defendants") (Doc. No. 39). Having determined that the Motion is supported by good cause, and that Defendants consent, the Court concludes that the Motion should be GRANTED, and the original motion (Doc. No. 38) is hereby DENIED AS MOOT.

IT IS THEREFORE ORDERED that, pursuant to Rule 65 of the Federal Rules of Civil Procedure, a Permanent Injunction shall be immediately entered, as follows:

1. Defendants and their officers, agents, representatives, employees, members, managers, and those persons acting in concert with Defendants, shall immediately and permanently refrain from using as product names for Defendants' products the names on the list attached hereto as Exhibit A, in which names Plaintiff contends it has or might have trademark rights.
2. This Permanent Injunction is entered with the consent of all parties as a compromise to resolve this lawsuit. The parties make no admissions with respect to the allegations and claims set

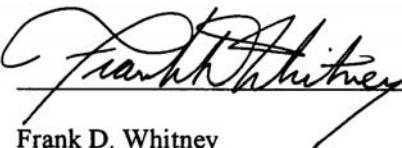
¹The instant motion amended the original motion (Doc. No. 38) to reflect the signatures of all counsel.

forth in the pleadings. The Court makes no findings of fact with respect to any issue in this lawsuit.

3. The Court retains jurisdiction over the Defendants and this action for the purpose of enforcing the permanent injunction hereby entered.

IT IS SO ORDERED.

Signed: March 3, 2011



Frank D. Whitney
United States District Judge



EXHIBIT A

AFTER HOURS
AH SOY
AMORA ADMIRAL'S MIX
AUTUMN DELIGHT
AWESOME ANTIOXIDANT
BALL PARK
BANANA SPLIT
BARTENDER'S BLEND
BERRY GOOD
BERRY-IFIC
BLUEBERRY THRILL
BUFFALO NUTS
CAJUN HARVEST
CALIFORNIA
CANDYLAND
CAPITOL CRUNCH
CAPITOL
CHECKMATE
CHERRIES AND BERRIES
CHILI LIME PEANUTS
CHOCOLATE CRUNCH
CHOCOLATE ENTICEMENT
CHRISTILLE BAY
CINNAMON SPLENDOR
CONTINENTAL BLEND
CONVENTION
COUNTRY CLUB
DIET DELIGHT
ESSENTIAL ANTIOXIDANT
FESTIVAL
FIBER FIRST
FIRECRACKER HOT & SPICY
FIVE STAR
FRENCH QUARTER
FRUIT FANTASTIC
FRUITBERRY BASKET
FRUITFUL BOUNTY
GO BANANAS
GOLD NUGGET CRUNCH
GRABEEZ
HAWAIIAN
HEARTLAND
HI ENERGY
IMPERIAL

JUST NUTTY
KONA COFFEE KRUNCH
MANGO TANGO
MEXICALI FIRE
MORNING DELIGHT
MULLIGAN
MY SALAD BAR
NEAPOLITAN
NY DELI BLEND
ORGANACEUTICALS
ORGANIC ACRES
ORIENTAL DELIGHT
PB&J
PECAN DELIGHT
PEP IN YOUR STEP
PERFECTLY FIT
PISTACHIO BERRY BLEND
POPPIN' NUT CRUNCH
PREMIERE CHOICE
REINDEER FOOD
RISE 'N SHINE
SALTY DOG
SANTA'S SNACK
SIENNA CREAM CRUNCH
SOUTH OF THE BORDER
STUDENT FOOD
SUNBURST
SWEET & NUTTY
SWEET & SALTY
SWEET CAJUN HEAT
SWEET CAROLINE
SWEET HEAT
SWEET PLAY
SWEET SELECTION
SWEET TOOTH
TAHITIAN GOLD
THE BIG CHEESE
TRIPLE TREAT
WASABI EXPLOSION
WASABI KICK
WASABI SOY SAUCE CASHEWS
WHITE CHOCOLATE CRUNCH
WILD ABOUT WASABI
YOGURT AMBROSIA
YORK'S HARVEST
ZESTY FIRE